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EXAMINER	
SEREBOFF, NEAL	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/713,892	DENT ET AL.	
	Examiner	Art Unit	
	NEAL R. SEREBOFF	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-70* is/are pending in the application.

4a) Of the above claim(s) *1-28 and 49-70* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/9/2004,8/27/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/ Restriction

1. Claims 1 – 28 and 49 – 70 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected groups I and III, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/6/2009.

2. Claims 1 – 70 are pending. Claims 29 – 48 being considered and claims 1 – 28 and claims 49 – 70 are withdrawn.

Notice to Applicant

3. The Information Disclosure Statements (PTO-1449) submitted on 2/9/2004 and 8/27/2008 has been considered.

Claim Objections

4. Claims 29 and 42 are objected to because of the following informalities: The claims include, "and databases are available to the authorized user; and ***and*** one or more cubes having analytical data" where the emphasized "and" is repeated. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 29 – 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 29 and 42 include the limitation, "wherein the analytical data is converted client data." It is not clear from the claims or the specification how

the data is converted or from 'analytical data' to 'client data.' The Examiner understands the conversion process to be storing data. Claims 30 – 41 and 43 – 48 are rejected for the same reasons as they depend upon their respective independent claims.

7. Claims 30, 31, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims include the limitation, "encryption/ decryption utility." The Examiner is unsure whether the "/" represents 'or' or 'and.' The Examiner understands the "/" to be or.

8. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "reasonable level" in claim 34 is a relative term which renders the claim indefinite. The term "reasonable level" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner understands the "reasonable level" to be an assessment of risk.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. ***Claims 29 – 31, 33, 40 – 44 and 46 – 48 are*** rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al., U.S. Pre-Grant Publication 2003/ 0061132 in view of Bansal et al., U.S. Pre-Grant Publication 2003/ 0120593.

11. As per claim 29,

Yu teaches a system for client access to analytical data for use in evaluating business operations, comprising in combination:

- a client device operable to fetch and display a view (figure 23 and paragraph 198);
- a database server including (paragraph 135, #280A – 280E)
    - a system management database (paragraph 135, #280A - 280E, including figure 8C or OLAP cells NEDW as further described in paragraph 93), wherein the client authorization data includes a database record associated with each authorized user that indicates which menus, views, and databases are available to the authorized user (paragraphs138 and 198 – 203 where the user selects the desired information); and
    - and one or more cubes having analytical data (figure 1B), wherein the analytical data is converted client data (paragraph 135, as understood), wherein the client data is quantified by analytic definitions (paragraphs 94 – 130), wherein the analytic definitions are an identification of performance measures selected from the group consisting of account receivable levels, collections (paragraph 179), coding, front-end billing processes (paragraph 142), and payer values (paragraph 157); and

Yu does not explicitly teach

- a database server including
    - a system management database, wherein the system management database includes client authorization data,
- a server including an application operable to receive a request from the client device for a view, select the requested view, verify that a user of the client device is authorized to access the view by querying the database server, and if the user is authorized transmit the view to the client device, wherein the view includes the analytical data from the one or more cubes for use in evaluating business operations.

However, Bansal further teaches

- a database server including
    - a system management database, wherein the system management database includes client authorization data (paragraph 351)
- a server including an application operable to receive a request from the client device for a view, select the requested view, verify that a user of the client device is authorized to access the view by querying the database server (figure 3, web server), and if the user is authorized transmit the view to the client device, wherein the view includes the analytical data from the one or more cubes for use in evaluating business operations (paragraphs 61 – 64, 473 – 484 and 581).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

12. As per claim 30, Yu in view of Bansal teaches the system of claim 29 as described above. Yu further teaches the system wherein the client device further includes an encryption/ decryption utility for securely communicating with the server (paragraphs 136, 139, 140, 185, 195 and 198 where the secure system connects the browser with the server).

13. As per claim 31, Yu in view of Bansal teaches the system of claim 29 as described above. Yu further teaches the system wherein server further includes an encryption/ decryption utility for securely communicating with the client device (paragraphs 136, 139, 140, 185, 195 and 198 where the secure system connects the browser with the server).

14. As per claim 33, Yu in view of Bansal teaches the system of claim 29 as described above. Yu further teaches the system wherein the client data includes practice data, patient data, diagnosis data, insurance data, and transactional data (paragraphs 94 – 130 and 146 where the type of data is non-functional descriptive information).

15. As per claim 40, Yu in view of Bansal teaches the system of claim 29 as described above. Yu further teaches the system wherein the one or more cubes are multidimensional databases (Abstract).

16. As per claim 41, Yu in view of Bansal teaches the system of claim 29 as described above. Yu further teaches the system wherein the one or more cubes are selected from the group consisting of financial cube, payer cube, patient cube, physician cube, clinical cube, and

electronic medical records cube (paragraphs 93 and 94 where the cube labels represent non-functional descriptive information).

As per claim 42, Yu in view of Bansal teaches a system for client access to analytical data for use in evaluating clinical operations, comprising in combination:

- a client device operable to fetch and display a view (figure 23 and paragraph 198);
- a database server including
    - a system management database, wherein the client authorization data includes a database record associated with each authorized user that indicates which menus, views, and databases are available to the authorized user (paragraphs138 and 198 – 203 where the user selects the desired information); and
    - and one or more cubes having analytical data (figure 1B), wherein the analytical data is converted client data (paragraph 135, as understood), wherein the client data is quantified by analytic definitions (paragraphs 94 – 130), wherein the analytic definitions are an identification of performance measures selected from the group consisting of identifying patients needing a return visit, identifying patients with risk factors, identifying patients with similar diagnosis, identifying patients with multiple diagnosis, analyzing referrals, determining clinical experience from different payer sources, determining adherence to quality measures, determining geographic distribution of patients, and tracking patients for lack of completion of ordered laboratory tests and referrals; and

Yu does not explicitly teach

- a database server including
    - a system management database, wherein the system management database includes client authorization data,
    - and one or more cubes having analytical data, wherein the analytical data is converted client data, wherein the client data is quantified by analytic definitions, wherein the analytic definitions are an identification of performance measures selected from the group consisting of identifying patients needing a return visit, identifying patients with risk factors, identifying patients with similar diagnosis, identifying patients with multiple diagnosis, analyzing referrals, determining clinical experience from different payer sources, determining adherence to quality measures, determining geographic distribution of patients, and tracking patients for lack of completion of ordered laboratory tests and referrals; and
- a server including a application operable to receive a request from the client device for a view, select the requested view, verify that a user of the client device is authorized to access the view by querying the database server, and if the user is authorized transmit the view to the client device, wherein the view includes the analytical data from the one or more cubes for use in evaluating clinical operations.

However, Bansal further teaches the database server including

- a database server including
    - a system management database, wherein the system management database includes client authorization data (paragraph 351)

- wherein the analytic definitions are an identification of performance measures selected from the group consisting of identifying patients needing a return visit, identifying patients with risk factors (paragraph 611), identifying patients with similar diagnosis, identifying patients with multiple diagnosis, analyzing referrals, determining clinical experience from different payer sources, determining adherence to quality measures, determining geographic distribution of patients, and tracking patients for lack of completion of ordered laboratory tests and referrals; and

- a server including a application operable to receive a request from the client device for a view, select the requested view, verify that a user of the client device is authorized to access the view by querying the database server (figure 3, web server), and if the user is authorized transmit the view to the client device, wherein the view includes the analytical data from the one or more cubes for use in evaluating clinical operations (paragraphs 61 – 64, 473 – 484 and 581).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

17. As per claim 43, Yu in view of Bansal teaches the system of claim 42 as described above.

Yu further teaches the system wherein the client device further includes an encryption/decryption utility for securely communicating with the server (paragraphs 136, 139, 140, 185, 195 and 198 where the secure system connects the browser with the server).

18. As per claim 44, Yu in view of Bansal teaches the system of claim 42 as described above. Yu further teaches the system wherein server further includes an encryption/ decryption utility for securely communicating with the client device (paragraphs 136, 139, 140, 185, 195 and 198 where the secure system connects the browser with the server).

19. As per claim 46, Yu in view of Bansal teaches the system of claim 42 as described above. Yu further teaches the system wherein the client data includes practice data, patient data, diagnosis data, insurance data, and transactional data (paragraphs 94 – 130 and 146 where the type of data is non-functional descriptive information).

20. As per claim 47, Yu in view of Bansal teaches the system of claim 42 as described above. Yu further teaches the system wherein the one or more cubes are multidimensional databases (Abstract).

21. As per claim 48, Yu in view of Bansal teaches the system of claim 42 as described above. Yu further teaches the system wherein the one or more cubes are selected from the group consisting of financial cube, payer cube, patient cube, physician cube, clinical cube, and electronic medical records cube (paragraphs 93 and 94 where the cube labels represent non-functional descriptive information).

22. ***Claims 32 and 45 are*** rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al., U.S. Pre-Grant Publication 2003/ 0061132 in view of Bansal et al., U.S. Pre-Grant

Publication 2003/ 0120593, as applied respectively to claims 29 and 42 above, further in view of Gauthier et al., U.S. Pre-Grant Publication 2002/ 0036662.

23. As per claim 32, Yu in view of Bansal teaches the system of claim 29 as described above. Yu in view of Bansal do not explicitly teach the system wherein the database record further includes a query code that specifies an initial view to be displayed to the user (figure 26A and paragraph 202).

However, Gauthier further teaches the system wherein the database record further includes a query code that specifies an initial view to be displayed to the user (paragraph 62 where the home page field is the initial view code).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

24. As per claim 45, Yu in view of Bansal teaches the system of claim 42 as described above. Yu in view of Bansal do not explicitly teach the system wherein the database record further includes a query code that specifies an initial view to be displayed to the user (figure 26A and paragraph 202).

However, Gauthier further teaches the system wherein the database record further includes a query code that specifies an initial view to be displayed to the user (paragraph 62 where the home page field is the initial view code).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

25. ***Claims 34 – 39 are*** rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al., U.S. Pre-Grant Publication 2003/ 0061132 in view of Bansal et al., U.S. Pre-Grant Publication 2003/ 0120593, as applied to claims 29 above, further in view of Strutt et al., U.S. Pre-Grant Publication 2002/ 0133368.

26. As per claim 34, Yu in view of Bansal teaches the system of claim 29 as described above. Yu in view of Bansal do not explicitly teach the system wherein the account receivable levels analytic definition includes assessing whether an outstanding accounts receivable is at a reasonable level, assessing days in outstanding accounts receivable, and determining an accounts receivable trend.

However, Gauthier further teaches the system wherein the account receivable levels analytic definition includes assessing whether an outstanding accounts receivable is at a reasonable level, assessing days in outstanding accounts receivable, and determining an accounts receivable trend (paragraphs 275 – 288, 293 and 302 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

27. As per claim 35, Yu in view of Bansal teaches the system of claim 29 as described above. Yu in view of Bansal do not explicitly teach the system wherein the collections analytic definition includes determining collection rates, denial rates, discounts, adjustments, and payment lag.

However, Gauthier further teaches the system wherein the collections analytic definition includes determining collection rates, denial rates, discounts, adjustments, and payment lag (paragraphs 243 – 287 where a loss is a discount or adjustment, paragraphs 1397 – 1420 and paragraph 908 – 911 where a declined requisition is a denial and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

28. As per claim 36, Yu in view of Bansal teaches the system of claim 29 as described above.

Yu in view of Bansal do not explicitly teach the system wherein the coding analytic definition includes determining whether evaluation and management coding is within expected levels, and determining a revenue opportunity for current procedural terminology codes.

However, Gauthier further teaches the system wherein the coding analytic definition includes determining whether evaluation and management coding is within expected levels (paragraphs 388 – 400 expenses), and determining a revenue opportunity for current procedural terminology codes (paragraph 146 – 151 sales analysis where the procedure codes is product information and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

29. As per claim 37, Yu in view of Bansal teaches the system of claim 29 as described above.

Yu in view of Bansal do not explicitly teach the system wherein the front-end billing processes analytic definition includes quantifying charge lag, determining quality of payer data, identifying eligibility-related denials, identifying covered benefits-related denials, determining issues related to charge capture, and determining fee schedule quantities.

However, Gauthier further teaches the system wherein the front-end billing processes analytic definition includes quantifying charge lag, determining quality of payer data, identifying

eligibility-related denials, identifying covered benefits-related denials, determining issues related to charge capture, and determining fee schedule quantities (paragraphs 290 – 300 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

30. As per claim 38, Yu in view of Bansal teaches the system of claim 29 as described above. Yu in view of Bansal do not explicitly teach the system wherein the payer values analytic definition includes determining payer mix impact, observing varying collection rates, denial rates, contractual allowances by payer and financial class, and comparing payer reimbursement levels.

However, Gauthier further teaches the system wherein the payer values analytic definition includes determining payer mix impact, observing varying collection rates, denial rates, contractual allowances by payer and financial class, and comparing payer reimbursement levels (paragraphs 196 – 215 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

31. As per claim 39, Yu in view of Bansal teaches the system of claim 29 as described above. Yu in view of Bansal do not explicitly teach the system wherein the analytic definitions further include determining reimbursement rates per place of service, compared with mix of place of services, determining visit volumes and reimbursements by physicians and locations, quantifying new visit volumes as a percentage of total visits, determining service mix and revenues by top current procedural terminology codes, quantifying patient collections, observing denial reasons lists, observing payer lists, determining place of service listings, and assessing patient billing processes.

However, Gauthier further teaches the system wherein the analytic definitions further include determining reimbursement rates per place of service, compared with mix of place of services, determining visit volumes and reimbursements by physicians and locations, quantifying new visit volumes as a percentage of total visits, determining service mix and revenues by top current procedural terminology codes, quantifying patient collections, observing denial reasons lists, observing payer lists, determining place of service listings, and assessing patient billing processes (paragraphs 186 – 215 and the data definitions represent non-functional descriptive information and therefore have little patentable weight).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add this feature into Yu in view of Bansal. One of ordinary skill in the art at the time of the invention would have added this feature

- The elements are all known but not combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. When combined, the elements perform the same function as they did separately.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andendorff et al., U.S. Pre-Grant Publication 2002/ 0099563

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEAL R. SEREBOFF whose telephone number is (571)270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on (571) 272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neal R Sereboff/
Examiner, Art Unit 3626
7/14/2009